



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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WASHINGTON, DC 20036

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JUL 17 2006

OFFICE OF PETITIONS

In re Application of :
Haberman et al. :
Application No. 09/002,187 :
Filed: December 31, 1997 :
For: SYSTEM AND METHOD FOR :
ESTABLISHING A VIRTUAL CIRCUIT :
IN AN ATM NETWORK :

This is a decision on the Petition to Withdraw Wrongful Holding of Abandonment and in response to the several Status Inquiries filed in this application. The petition is properly treated under 37 CFR § 1.181. The delay in treating this petition is regretted.

The Petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed December 18, 2000. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on March 19, 2000. A Notice of Abandonment was mailed April 25, 2001.

The application file was subsequently lost, and was identified as lost on October 1, 2003.

On October 5, 2005, this Office received the instant petition. The petition provides that Applicant reviewed the file history for this application on October 4, 2005, and discovered an entry of "Mail Reconstruction Notice" entered December 9, 2004. Applicant filed the instant petition wherein Applicant avers non-receipt of the Notice. In addition to copies of applicant's file jacket and

docket records, Applicant provides a copy of the application file history and what is putatively a copy of the application papers.

Analysis and conclusion

Applicant is advised that the application became abandoned, as indicated in the copy of the file history provided by applicant, for failure to reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, mailed December 18, 2000.

Applicant has failed to demonstrate non-receipt of the Notices, and failed to demonstrate that a timely reply to the Notices was filed.

Applicant should file a Request for Reconsideration of Petition and include the necessary statements and copies of documents.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
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Office of Petitions

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